

Claims 1, 2 and 25 were rejected under 35 USC 102(b) as anticipated by Weed. The Examiner noted that "incorporation of the limitations of claims 3 and 4 into the independent claims may serve to overcome all rejections over the prior art". As the Examiner can see, Claim 1 has been amended as per the Examiner's suggestion.

Regarding claim 25, applicant notes that the Examiner has stated that "the examiner can find no support in the scientific literature that 'magnetized' water differs from 'water' in any way". In response, applicant encloses a copy of "Magnetized Water Treatment Demystified", provided by Teldon Canada Inc. which discusses the magnetic treatment of water and a copy of US Patent 5,905,265 which describes a method of improving skin condition by exposing a substrate to a magnetic field prior to applying the substrate to the skin. As can be seen, both of these references describe differences observed between magnetized and non-magnetized fluids, for example, water.

Also enclosed are affidavits from the inventor and Rick Green, a research scientist at POS Pilot Plant Corporation (POS), a contract scientific research organization (information on POS is also enclosed). As can be seen from the affidavits, POS believed that deionized water could be substituted for magnetized water without any effect. However, they were surprised when it was discovered that the lotion prepared with the deionized water was not as effectively applied or absorbed as the lotion prepared with magnetized water.

Thus, applicant notes that the literature contains support for differences between magnetized water and other types of water, for example, deionized water. It is of note that differences in conductivity and pH were noticed between deionized and magnetized water as discussed in Mr. Green's affidavit. The affidavits also describe the differences observed when applicant's invention was prepared with deionized water instead of magnetized water. In view of this, it is respectfully requested that the Examiner reconsider this rejection.

Added claim 26 corresponds to claim 17 but is directed to oatstraw prepared in magnetized water.

Claims 1-9, 17-22 and 24 were rejected under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As the Examiner can see, the phrase "water heated until hot and tiny bubbles have formed" has been replaced with "heated water" throughout the claims.

In view of the foregoing, further and more favorable consideration is respectfully requested.

Respectfully submitted

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To whom it may concern:

As an educated nutritionist, scientist, clinician and sole inventor of the skin lotion technology, my applying science to the development of a cosmetic and therapeutic skin care product led to the contracting of the POS Pilot Plant Corporation.

On January 28, 1998, I signed a Confidentiality Agreement with POS, followed by a Contract For Service on May 21, 1998 to further develop the skin care lotion in the areas of processing and scaling-up production.

On March 31, 1998, the contractor called me regarding his first experience with the skin lotion application following a day's work in the laboratory. The contractor was amazed that the application to the hands had resulted in skin qualities such as smoothness, shine and resilience. I was not surprised because of the on-going results seen with my patients and that of therapists in the field. (See attached letters comparing the skin lotion prepared with magnetized water known as regular lotion to the skin lotion prepared with deionized water known as placebo lotion.)

On May 15, 1998, I discussed the source of water for the project with the contractor. I expressed concern on the use of deionized water. However, the contractor argued with me that POS always used deionized water for R & D projects and was told not to worry as the contractor expected the same product results with either the deionized water or the magnetized water.

In mid-summer 1998, POS produced batches of both the skin lotion (oatstraw steeped in deionized water with the added compounds of vegetable glycerine and lavender oil) and the skin lotion (oatstraw steeped in magnetized water with the added compounds of vegetable glycerine and lavender oil). These samples were then assessed by both the contractor and myself.

Differences in smell, application, absorption and skin feel were immediately noticeable upon examination of the above samples when comparing the samples prepared with the magnetized water and the samples prepared with the deionized water. The samples prepared with deionized water had an offensive corn-like odour, an absence of a clean sharp scent of lavender, and when applied to the skin, the lotion was difficult to spread and slow to penetrate into the skin and left the skin sticky to the touch as compared to the samples prepared with magnetized water having a clean distinctive scent of lavender, and when applied to the skin, the lotion smoothed over readily and was quick to absorb into the skin and left the skin smooth and silky to the touch.

In late July, 1998, to comprehend and to define the differences between the two samples, POS performed pH and conductivity tests on my magnetized water and the contractor's deionized water. The contractor advised me of the pH readings as being lower for deionized water and higher for magnetized water. Furthermore, there was a striking difference distinguishing the conductivity readings between the deionized water and the magnetized water, with the magnetized water being considerably higher.

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The contractor discovered that the application and the absorption of the skin lotion was definitely more effective when the lotion was prepared with magnetized water as compared to the deionized water. This proved to be in keeping with the contractor's previous remarks of March 31, 1998, mentioned earlier in this letter.

Hence, the contractor counted on substituting deionized water for magnetized water without modifying my product. As presented above, the contractor was astonished on how the feel, chemical properties and effectiveness of the end product had been influenced by this substitution.

Based on my recollection, I make this solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath.

Sincerely,

A handwritten signature in black ink, appearing to read "Lorraine Mignault".

Lorraine Mignault
Inventor